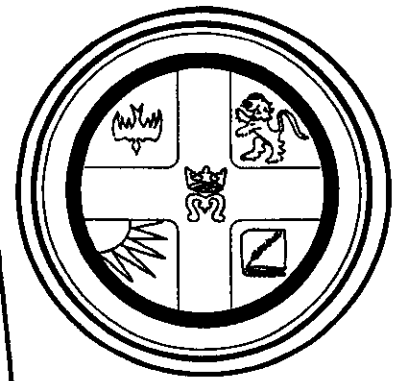
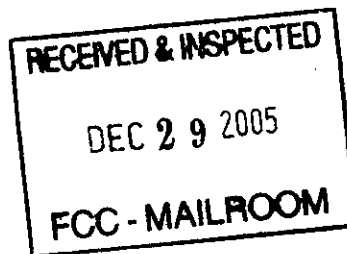


CARDINAL McCARRICK High School

310 AUGUSTA STREET
SOUTH AMBOY, NEW JERSEY 08879
MAIN OFFICE: 732-721-0748
FAX: 732-727-7018



December 21, 2005

FCC, Office of the Secretary
445 12th Street SW
Washington, DC 20554

DOCKET FILE COPY ORIGINAL

Re: Form 471 Application Number: 488924
Funding Year 2005: 07/01/2005 – 06/30/2006
Billed Entity Number: 9753
SPIN: 143001362 and 143000890

CC Docket No. 02-6

Dear Sir or Madam:

This letter is an appeal of the Administrator's Decision on Appeal – Funding Year 2005-2006, dated December 15, 2005, copy attached. The "Decision on Appeal" is "Denied."

I have enclosed a copy of my appeal to the SLD dated November 20, 2005, plus a copy of the letter from George McDonald, Vice President, Schools and Libraries Division. In my appeal, I cited Mr. McDonald's letter and specifically the eighth paragraph which states "PLEASE NOTE: Forms 470 submitted in a previous year can be cited on a Funding Year 2005 Form 471 if they established the competitive bidding process for the funding request and if completed certifications have been received by the SLD." Does this not eliminate the need for the Form 470 for the 2005 – 2006 funding year? If it does not, then what does this mean?

I am new (since September 1, 2005) to the education environment, but my predecessor had been here for many years. He had prepared all the required documentation and we did receive funding in prior years. The failure to prepare the 470 was not an oversight, but instead due to Mr. McDonald's letter.

I look forward to hearing from you in the near future with a favorable reply to this appeal.

Regards,


Charles J. Apuzzo
Business Manager

Encl.

No. of Copies rec'd 0
List ABCDE

Rd 12/19/05

Charles J. Apuzzo
Cardinal Mccarrick High School
310 Augusta Street
South Amboy, NJ 08879-1728

Billed Entity Number: 9753
Form 471 Application Number: 488924
Form 486 Application Number:



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2005-2006

December 15, 2005

Charles J. Apuzzo
Cardinal Mccarrick High School
310 Augusta Street
South Amboy, NJ 08879-1728

Re: Applicant Name: CARDINAL MCCARRICK HIGH SCHOOL
Billed Entity Number: 9753
Form 471 Application Number: 488924
Funding Request Number(s): 1355505, 1355506, 1355507
Your Correspondence Dated: November 22, 2005

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of SLD's Funding Year 2005 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1355505, 1355506, 1355507
Decision on Appeal: **Denied**
Explanation:

- In your Appeal Letter, you are appealing the decision "The amount, \$7,512.00 is "Denied and ".... 470 Not Filed" and the explanation "The FRN references services that require a posting of a 470 for each Funding Year." You stated that your form 470 was not filed due to the letter from George McDonald, VP, SLD and you provided a copy of the letter in your appeal.
- Upon review of your appeal letter and the relevant supporting documentation, it was determined that the original request was correctly denied. The FRN(s) 1355505, 1355506, and 1355507 were denied because the tariff or M-T-M service was not posted to a current Funding Year Form 470, which is a violation of the competitive bidding requirements.

- The Form 471 you submitted to SLD indicates that you are seeking support for tariff or month-to-month services. Since these types of services are not subject to a multi-year contract, they need to be competitively bid for each funding year. Therefore, you should have posted a new Form 470 to the web site in this funding year to inform potential bidders that you were seeking these services. Consequently, SLD denies your appeal because you did not comply with the competitive bidding requirement that your Form 470 be posted to the web site for 28 days.
- The Form 470 associated with your funding request is for a prior funding year. Your Form 471 indicates that you are seeking discounts for tariff or month-to-month services for the current funding year. FCC rules require that except under limited circumstances, all Forms 470 received be posted on the USAC web site for 28 days, and that applicants carefully consider all bids received before selecting a vendor, entering into an agreement or signing a contract, and signing and submitting a Form 471. 47 C.F.R. §§ 54.504(a) and (b), 54.511(a) and (c). These competitive bidding requirements help ensure that applicants receive the lowest pre-discount price from vendors. See Federal-State Joint Board on Universal Service, CC Docket No. 96-45, *Order on Reconsideration*, 12 FCC Rcd 10095, p. 10098, FCC 97-246, ¶ 9 (rel. Jul. 10, 1997). This posting requirement applies to requests for discounts for month-to-month or tariff services as well as contracted services. 47 C.F.R. § 54.504(b).

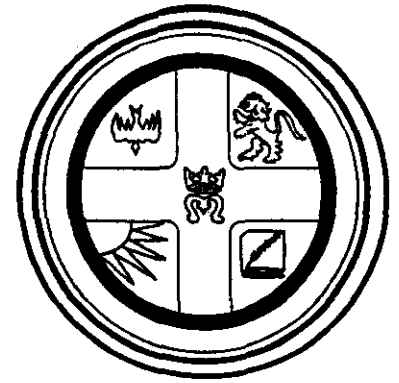
If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either the SLD or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

CARDINAL McCARRICK High School

310 AUGUSTA STREET
SOUTH AMBOY, NEW JERSEY 08879
MAIN OFFICE: 732-721-0748
FAX: 732-727-7018



November 22, 2005

Letter of Appeal
Schools and Libraries Division
Box 125 – Correspondence Unit
80 South Jefferson Road
Whippany, NJ 07981

Re: Form 471 Application Number: 488924
Funding Year 2005: 07/01/2005 – 06/30/2006
Billed Entity Number: 9753
SPIN: 143001362 and 143000890

Dear Sir or Madam:

This letter is an appeal of the Funding Commitment Decision Letter dated October 19, 2005. The text being appealed is "The amount, \$7,512.00 is "Denied" and "...470 Not Filed" and the explanation "The FRN references services that require a posting of a 470 for each Funding Year."

Please be advised that Mr. Louis J. Ploskonka is no longer the Business Manager at Cardinal McCarrick High School. I am his successor, as of September 1, 2005, Mr. Charles J. Apuzzo, Business Manager, Cardinal McCarrick High School, 310 Augusta St., South Amboy, NJ 08879. My phone is 732-727-4362, Fax 732-721-2374 and email capuzzo@cardinalmccarrick.com.

Our form 470 was not filed due to a letter from George McDonald, Vice President, Schools and Libraries Division, copy attached. The eighth paragraph on page one stated "PLEASE NOTE: Forms 470 submitted in a previous year can be cited on a Funding Year 2005 Form 471 if they established the competitive bidding process for the funding request and if completed certifications have been received by the SLD." We did receive our funding for 2004, therefore all the requirements must have been in order.

I look forward to hearing from you in the near future with a favorable reply to this appeal

Regards,


Charles J. Apuzzo
Business Manager

Encl.

Universal Service Administrative Company
Schools & Libraries Division

Dear School or Library Leader:

This letter provides you with valuable information on applying for discounts on eligible services for Funding Year 2005 (July 1, 2005 - June 30, 2006) from the Universal Service Support Mechanism Schools and Libraries Program (E-rate). This letter was posted on the Schools and Libraries Division (SLD) section of the Universal Service Administrative Company (USAC) web site on January 13, 2005.


IMPORTANT DATES FOR FUNDING YEAR 2005:

* **DECEMBER 14, 2004:** The Funding Year 2005 (July 1, 2005 through June 30, 2006) Form 471 application filing window opened at noon (EST) on Tuesday, December 14, 2004 and will close at 11:59 pm (EST) on Thursday, February 17, 2005.

* **JANUARY 20, 2005 (For online filers):** The last POSSIBLE date to post your Form 470 online in order to meet the 28-day filing requirement and to submit a complete Form 471 by the window close. Forms 470 must be posted to the web site and Requests for Proposals (RFPs) must be available to potential bidders for at least 28 days prior to selecting a service provider, entering a contract, and signing and submitting a complete Form 471. We will make every effort to complete data entry and problem resolution of Forms 470 submitted on paper and received in Lawrence, Kansas before that date, however the applicant must assume the risk of not meeting the 28-day waiting period if the Form 470 has not already been received.

* **THURSDAY, FEBRUARY 17, 2005:** Form 471 window closes at 11:59 PM EST. All Form 471 materials must be completed online, received by the SLD or postmarked no later than 11:59 PM EST on February 17, 2005. ALL Form 471 materials means:

- > Form 471 either online or on paper,
- > Form 471 Block 6 Certifications either online or on paper, and
- > Form 470 Block 5 Certifications of any Form 470 cited in a Funding Year 2005 Form 471 either online or on paper.

 **PLEASE NOTE:** Forms 470 submitted in a previous year can be cited on a Funding Year 2005 Form 471 if they established the competitive bidding process for the funding request and if completed certifications have been received by the SLD.

KEY INFORMATION:

* **IF NOT ALREADY FILED, THE FORM 470 SHOULD BE FILED AS SOON AS POSSIBLE, BUT NO LATER THAN JANUARY 20, 2005 IF FILING ONLINE.** The Form 470 must be posted to the web site for at least 28 days. Allow time to conduct an open and fair competitive bidding process. The form must list all services for which you intend to request discounts, except for services covered by pre-existing contracts that do not terminate until the end of the funding year and which were featured on a Form 470 filed in a previous funding year. The services listed on the Form 470 should be supported by the technology plans in place for all of the entities that are to receive these services. You may also list other services in the technology plan and the Form 470 that are not eligible for E-rate discounts in order to assist you in your procurement process. You must also retain all competitive bidding documentation.

* RFPs MUST BE AVAILABLE TO POTENTIAL BIDDERS FOR 28 DAYS. The FCC Ysleta Order (FCC 03-313 released December 8, 2003) states that if the applicant also relies on an RFP as the basis of its vendor selection, that RFP must also be available to bidders for 28 days.

* Once the Form 470, and RFP if used, has been posted for 28 days, you may choose the service provider(s), enter into a contract, if applicable, and submit a complete Form 471.

* For guidance on eligible products and services, please review the Eligible Services List posted in the Reference Area of the web site. Request discounts on only eligible products/services.

* Submit Form 471, Block 5, Item 21 attachments with your Form 471 or as soon after filing that form as possible. CLEARLY LABEL ALL ITEM 21 ATTACHMENTS WITH THE APPLICANT FORM IDENTIFIER AND, IF AVAILABLE, THE FORM 471 APPLICATION NUMBER AND FUNDING REQUEST NUMBER. SLD cannot review your application until your Item 21 attachments are received.

* Be sure that you have Signed a contract, if applicable, with your chosen service provider(s) PRIOR to submitting your complete Form 471. Contracts must be signed and dated by both parties.

* Tell your service provider(s) whether you prefer 1) to pay all charges both discount and non-discount portions and be reimbursed the discount portion later or 2) you prefer to pay only the non-discount portion and have the approved discount applied to your bill. You are encouraged to include this information in your contract.

* Be sure you can substantiate that all Form 471, Block 6 certifications are true and correct to the best of your knowledge.

FILE ONLINE: BOTH Forms 470 and 471 can be filed and certified online, on either PCs or Macs. Online filing ensures that you meet Minimum Processing Standards for your forms and allows for quick feedback, early acknowledgment and earlier decisions.

FILE SUCCESSFULLY: The following rules are the easiest to follow, broken most often, and have led to funding denials in the past:

* Conduct a fair and open competitive bidding process.

* Wait 28 days after posting your Form 470 to select a service provider and sign a contract.

* Wait 28 days after posting your Form 470 to submit a completed Form 471.

* Submit a complete Form 471 on or before the application filing window closes.

NEW FORM 471 FOR FY2005: If you are filing your Form 471 on paper, be sure to use the current OMB approved version of the Form 471 with the date of November 2004 in the lower left-hand corner. Any other version of the Form 471 will be rejected.

LETTERS OF AGENCY: A person signing program forms must be authorized to make the certifications required by FCC rules, including the accuracy of the information on the form. If that person is not an employee of the applicant, he or she should have a Letter of Agency (LOA). To be valid, LOAs must contain the signature of the employee of the organization providing the authorization to the submitter, a clear statement of what that person is authorized to do, and the

date of that signature. They must also contain the effective dates of the authorization, not simply from Jan. 1, 2005 on.

CHOOSE THE MOST COST-EFFECTIVE ALTERNATIVE: When choosing among multiple service providers listed on a state Multiple Award Schedule when there are price or price cap variations among the providers, you must choose the most cost-effective alternative among those service providers with the price of providing eligible goods and services being the most heavily weighted factor. Save documentation to demonstrate that such an evaluation was conducted.

TECHNOLOGY PLANNING: The FCC Fifth Order (FCC 04-190 released August 13, 2004) clarified and revised the guidance and rules for technology plan timing, content and approval. When a technology plan is required, it must cover all 12 months of the funding year, must have been written before the Form 470 is filed and must be approved by an SLD-certified approver prior to commencement of discounted services. Technology plans are not required for basic local, cellular, PCS, and/or long distance telephone service and/or voice mail. The technology plan must show the dates that the plan covers in order to demonstrate that the plan covers the whole funding year. Technology plans should be approved for a period of not more than three years. We will deny discount funding requests if the technology plan has not been updated in more than five years. Furthermore, technology plans that do not contain the required five elements may result in the denial of funding.

NEW CATEGORY OF SERVICE: Effective in Funding Year 2005, there are four service categories: Telecommunications Service, Internet Access, Internal Connections Other than Basic Maintenance, and Basic Maintenance of Internal Connections. The FCC Third Order (FCC 03-323 released December 23, 2003) restricts the frequency of the benefit of discounted Internal Connections by individual entities to twice every five years. This does not apply to costs for maintenance of equipment.

ON-PREMISE PRIORITY 1 EQUIPMENT: The SLD can fund Priority 1 discount funding requests that include components at the applicant site, but only under narrow conditions that ensure that the on-site components are a bona fide part of an eligible Priority 1 service. These and all funding requests must be the most cost-effective alternative. The SLD will give close scrutiny if the cost to lease on-premise equipment appears to exceed the purchase price of that equipment. As a general matter, the cost to lease on-premise equipment should not exceed the purchase price of that equipment.

PURCHASE ORDERS AS CONTRACTS: If state law views purchase orders (POs) as contracts, POs may be used to fulfill the contract requirement. The PO MUST be signed and dated by both parties and must cover the funding year or part of the funding year during which services will be delivered. If the PO expires before the start of the funding year, the PO (contract) is not valid for that funding year.

THIRTY PERCENT (30%) RULE: FCC rules require that funding requests be in compliance with the statute and Commission rules. If it is found that 30% or more of the amount of a funding request is not in compliance we will deny 100% of the request. Some examples include ineligible services or a contract that includes ineligible entities. You should use the Form 471 to remove the costs of ineligible components from the prediscount price.

NCES AND FSCS CODES: Effective for Funding Year 2005 you will be asked to provide the National Center for Education Statistics (NCES) or Federal-State Cooperative System (FSCS) code for any recipient of service in the Form 471, Block 4 Discount Calculation Worksheet. This will allow us to 1) update our records with the current district/system to building/branch relationships so that 2) we can simplify the review and application process and 3) assist the Department of Education in maintaining current data. In the event you do not have the necessary

code at the time you file your application, you will still be able to successfully apply. We will post guidance and additional information on the web site as it becomes available.

FCC REGISTRATION NUMBERS: Effective November 1, 2004, FCC rules require E-rate program participants to have an FCC Registration Number. However, Forms 470 and 471 for Funding Year 2005 do not require this data. FCC Registration Numbers are assigned based on the Taxpayer Identification Number (TIN) and can be requested from the FCC. Please continue to review the web site for additional guidance.

EQUIPMENT TRANSFERS: After three years equipment purchased with E-rate discounts can be transferred to another eligible entity. The FCC Third Order amended the rules to prohibit a transfer of equipment within three years after purchase. Transfers prior to three years can take place only if there is a permanent or temporary closing of the facility. In no case can a transfer be for money or any other thing of value.

PAY YOUR SHARE IN 90 DAYS: The FCC concluded in its Fifth Order that a reasonable timeframe for a beneficiary to pay its non-discount share to its service provider(s) is within 90 days of the delivery of service. Failure to pay within this timeframe will constitute a violation of the rule that the beneficiary must pay its share.

CAREFULLY REVIEW ALL CERTIFICATIONS ON ALL PROGRAM FORMS: Recent FCC Orders have codified new rules and clarified existing ones. This has resulted in changes to program forms and certifications. The authorized person who signs the form is responsible for the accuracy of those certifications.

RETAIN DOCUMENTATION: FCC rules require that you retain documents to demonstrate compliance with these rules for a period of at least five years after the last day of service delivered. Refer to Document Retention Requirements in the Form 470 and Form 471 instructions for a descriptive list of many of the documents you must retain.

RECOVERY OF FUNDS: The FCC Fourth Order (FCC 04-181 released July 30, 2004) amended program rules to seek recovery from schools and libraries in certain instances. Recovery of funds distributed in violation of the statute or Commission rules will be directed at the party or parties that are in violation of the statute or rule.

YOU ARE RESPONSIBLE FOR THE ACCURACY OF YOUR FORM 471, ITEM 25 CERTIFICATION: At Item 25 you certify that you have secured access to the resources necessary to pay for (1) the non-discount portion of the costs for eligible services within the funding year as well as (2) the ineligible products and services to make effective use of the eligible services you have requested. Secured access means that you can show that these funds are, or will be, part of your annual budget or, if you are obtaining the funds from an outside revenue source, that these funds have been acquired or committed. If you obtain these funds from an outside source, the funds may not come directly or indirectly from your service provider(s).

This letter has been compiled to offer you highlights of the most up-to-date information to assist you in submitting a successful application. However, it is not a complete description of program requirements. You should consult FCC rules and orders available at the FCC web site as well as the SLD section of the USAC web site at www.sl.universalservice.org. The SLD Client Service Bureau is also available to answer questions during normal business hours:

E-mail: Use the Submit a Question link from the SLD web site

Toll-free Fax: 1-888-276-8736

Toll-free Phone: 1-888-203-8100

Thank you for your continued participation and support.

George McDonald
Vice President, Schools and Libraries Division

Visit us online at: www.sl.universalservice.org